

REMARKS

Applicant's attorney wishes to thank the Examiner for the courteous interview on May 24, 2007. During the interview it was agreed that the art of record, namely, U.S. Patent No. 6,615,191 to *Seeley* ("Seeley") and U.S. Patent No. 5,914,472 to *Foladare et al.* ("Foladare"), whether considered alone or in combination, failed to render obvious the presently claimed invention.

The amendments to claims 59 and 66 presented herein were discussed during the interview and were attached to the interview summary. The amendments were made to clarify Applicant's claimed invention, and no new matter has been added as a result of these amendments. Upon entry of this Amendment and Response, claims 59-67 will remain pending. For the record set forth below, Applicants highlight some of the differences between the cited art and Applicant's invention. Applicant's attorney appreciates the withdrawal of the rejection under 35 U.S.C. §103(a) and respectfully requests immediate allowance of the present application.

Claims 59-65

As was agreed during the interview, independent claim 59 is not obvious over *Seeley* in view of *Foladare*.

In the Office Action, on page 2, the Examiner asserts that receiving a system identification number and a biometric sample at a merchant device is present in *Seeley* in Figure 5, items 17 and 18. Although *Seeley* discloses collecting a biometric sample (*Seeley*, Fig. 5, item 17) from a user and establishing an account password (*Seeley*, Fig. 5, item 18) for each user, *Seeley* does not teach or disclose the use of a system identification number. As used in claim 59,

a system identification number represents a third-party's identity. As such, a system identification number is different than a password, which when taken in conjunction with a username in *Seeley* allows an account holder to access an account. In fact, the present disclosure also discusses the use of a password which allows a primary account holder to access and modify value accounts. *Specification*, ¶¶0025, 0028, 0042. As such, a password is necessary for an account holder to access an account, whereas a system identification number (in conjunction with the biometric sample) uniquely identifies the identity of a third party who is allowed to draw from the account. Although *Seeley* discusses the use of a password, *Seeley* fails to teach or disclose the use of a system identification number.

As was discussed during the interview, *Foladare* fails to resolve the deficiencies of *Seeley*. *Foladare* discloses methods and systems for parental control of an ancillary credit card issued to a child. A credit card issued to a child can have a certain amount of credit available. If the child makes a purchase that does not exceed the amount of available credit, the purchase is approved. *Foladare*, 4:31-39. If the child makes a purchase that exceeds the amount of available credit, however, the *Foladare* system retrieves a parent's phone number from a database and contacts the parent to seek approval. *Id.* If the parent authorizes the purchase amount, the transaction is approved. Otherwise, the purchase is denied. *Id.* at 4:49-57.

In contrast to the presently claimed invention, the *Foladare* system does not verify the identity of a child in possession of an ancillary credit card. In fact, anyone in possession of the credit card can make purchases as long as the purchase amount is less than the approved credit limit. Only when the purchase amount exceeds the approved credit limit does the system seek parental approval, and even then the system fails to verify the purchaser's identity. As such, *Foladare* fails to teach or disclose a system identification number as required by claim 59.

Furthermore, and as was discussed during the interview, *Foladare*'s third-party account access is restricted to the usage of ancillary cards. These ancillary cards are issued for use on a single account. As such, these ancillary cards provide a dedicated access mechanism to a single credit or debit facility. Authorization is therefore based on the identity of the card. The current claims specify that the "system identification is received without using a physical access device."

In Applicant's claimed invention, authorization is based on the identity of the person, not on presentation of a physical access device. For example, in claim 59, a biological sample is first received from the third party. This biometric data is matched to registered biological identification data in the database to verify the identity of the third party. Once identified, the third party can pay for a transaction using an account to which the third party has access. The set of accounts to which the third party has access can include accounts for which the third party is the primary account holder (and therefore has unlimited access) and accounts for which the third party is not the primary account holder (and therefore has limited access). In other words, the third party can have access to his own accounts as well as accounts held by others. In this framework, the biometric access to the transaction system enables flexible usage of accounts. This is in sharp contrast to the ancillary card access of *Foladare*, which is limited to a particular account that originated the ancillary card.

For at least these reasons, Applicants submit that independent claim 59 is nonobvious over the combination of *Seeley* and *Foldare*. Applicants further submit that claims 60-65, which depend from and incorporate all of the limitations of claim 59, are also nonobvious over the cited references. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, for the reasons

set forth hereinabove, Applicants request that the §103(a) rejections associated with claims 59-65 be withdrawn.

Claims 66 and 67

As was further agreed during the interview, independent claim 66 is not obvious over *Seeley* in view of *Foladare* for substantially the same reasons as presented above in reference to claim 59. Applicants further submit that claim 67, which depends from and incorporates all of the limitation of claim 66, is also nonobvious over the cited references. *See* MPEP §2143.03. Accordingly, for the reasons set forth hereinabove, Applicants request that the §103(a) rejections associations with claims 66 and 67 be withdrawn.

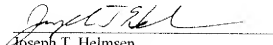
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

AUTHORIZATION

No fee is believed to be due for this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment and Response, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,
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